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January 14, 2025

VIA ECF

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007


Defendant's application for the Court to enter their proposed pre-trial schedule is **DENIED**. The Court is not convinced that the parties have met their obligation to meet and confer in a sincere effort to resolve the issue. By **January 22, 2025**, the parties shall meet and confer regarding pre-trial deadlines and file a letter proposing mutually agreeable dates to exchange witness lists and proposed joint stipulations of facts. If the Court approves of the dates, they will be so ordered and require a Court Order to modify any given date. If the parties cannot reach an agreement on deadlines, they shall put their respective positions in the letter.

Plaintiff's application to adjourn the trial date from April 21, 2025, to April 28, 2025, is **GRANTED**. This action continues to be in **second** place on the Court's April 2025, trial-ready calendar. The trial in this case is rescheduled to begin on **April 28, 2025, at 9:45 A.M.** If the trial in first place goes forward as scheduled, this trial will be rescheduled to take place on the Court's next available trial date.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 91.

Dated: January 16, 2025  
New York, New York

Re: **Case No. 1:22-cv-08634 (LGS), 41-45 Property Ov**  
**Request For the Court to Enter a Schedule**

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Dear Judge Schofield:

We represent Defendant and Counter-Plaintiff CDM1, LLC ("CDM1") in this case. Cognizant of the Scheduling Order the Court entered on October 28, 2024 (Doc. 88) (the "Scheduling Order") and the Court's Individual Trial Rules and Procedures, we write to ask the Court to order the following schedule so that the parties may comply with the deadlines set forth in the Scheduling Order.

Per the Scheduling Order, on February 21 the parties are required to file, among other things, a joint stipulation of facts and a list of witnesses that each party genuinely intends to call in its case in chief. On February 28, the parties are required to file a Joint Final Pre-Trial Order, which includes a list of all proposed exhibits for each party's case in chief and whether there are any objections to admission. In light of these upcoming deadlines, on January 6, counsel for CDM1 reached out to counsel for 41-45 Property Owner, LLC ("Sponsor") to propose the below schedule for the parties to exchange information. Earlier today, counsel for Sponsor advised us that they want to wait until February 15 for the parties to simultaneously exchange witness lists. The problem with delaying the identification of witnesses until February 15 is that it unduly constrains the parties' ability to comply with the February 21 and 28 deadlines in the Scheduling Order. Because Sponsor is the Plaintiff, it is reasonable for Sponsor to disclose its witness list first.

With just over five weeks until February 21, we are writing to ask the Court to enter the below schedule, which will provide the parties with sufficient time to comply with the Scheduling Order.

**January 17** – Sponsor will provide CDM1 with a list of which witnesses it intends to call in its case in chief, and whether each witness will be called live or by prior testimony.

**January 24** – CDM1 will provide Sponsor with a list of which witnesses it intends to call in its case in chief, and whether each witness will be called live or by prior testimony.



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**February 7** – CDM1 will provide Sponsor with a proposed joint stipulation of facts based on the parties' Rule 56.1 statements.

**February 14** – Sponsor will provide any proposed edits to the joint stipulation of facts, so the parties have sufficient time to resolve any issues before February 21.

**February 14** – CDM1 and Sponsor will identify which exhibits they intend to include in their case in chief so both parties have sufficient time to determine if they have any objections in advance of filing the Joint Final Pre-Trial Order on February 28.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brittany".

Brittany H. Sokoloff